THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No. 11098 of 1999

Date: 29.07.2005

Between:

A.V.Narayana Charyulu … Petitioner

and

1)The District Educational Officer, West Godavari

at Eluru & 2 others … Respondents

ORDER:

Heard Sri A.Lakshmana Chary, learned counsel appearing for the petitioner and the learned Government Pleader for School Education appearing on behalf of the respondents 1 & 2 and Mr. Prathap Narayan Sanghi, learned counsel appearing for the contesting respondents.

The only question involved in this Writ Petition is in regard to the claim of the petitioner for the post of Head Master, which, according to him, has been over-looked, and the same is sought to be given to the fourth respondent, on the ground that she holds Bachelor of

Education (B.Ed.) qualification. The case of the petitioner is that he possesses 'Siksha Sastri' qualification, which is equivalent to B.Ed. and even as per the Government regulations and clarifications issued.

There is no dispute to the fact that for promotion to the post of Head Master, necessary qualification prescribed is B.Ed. Further, there is also no dispute to the fact that the petitioner herein is senior to the fourth respondent. However, the petitioner's case is sought to be overlooked on the ground that he does not possess B.Ed. qualification. Therefore, the petitioner filed this Writ Petition challenging the impugned orders dated 21.05.1999 promoting the fourth respondent to the said post of Head Master.

Considering the submissions made and on perusal of the material, it is seen that admittedly the petitioner has got an alternative and efficacious remedy of regular appeal before the second respondent, under Section 89 of the A.P. Education Act, 1982, wherein all these questions can as well be agitated and considered more aptly, rather than going into the same by this Court in exercise of powers under Article 226 of the Constitution of India. Further, if really, the instructions and orders are there in regard to equivalency of the qualifications, it is more apt for the petitioner to opt for such remedy rather than approaching this Court.

In the Circumstances, the Writ Petition is dismissed, with a liberty to the petitioner to file appeal before the second respondent within a period of two weeks from today and on such filing, the second respondent shall dispose of the same within a period of two months thereafter, after giving notice and opportunity to both sides. Having regard to the fact that this Court has already granted interim stay of the impugned orders, it is needless to observe that the respondents shall not give effect to the impugned orders till disposal of the said appeal. No costs.

29.07.2005

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Note: Issue copy in one week.

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